I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as class mail in an envelope addressed to:

Mail Stop Issue Fee Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Attorneys for Applicant

Date: 8 October 2004

**Appl. No.:** 09/493,903

Applicant(s): Jay McCormack et al Filed: 28 January 2000

Title: PARAMETRIC SHAPE GRAMMAR INTERPRETER

Art Unit: 2671

**Examiner:** Enrique L. Santiago

Docket No.: DB001053-000

## TRANSMITTAL LETTER

To: Mail Stop Issue Fee

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

Enclosed for filing are the following:

- 1. an Issue Fee Transmittal, Part B (PTO Form PTOL-85B);
- 2. Notification of Error in Payment of Fees as a Small Entity Under 37 C.F.R. § 1.28; and
- 3. two (2) checks in the amounts of \$1,345.00 as the requisite Fee under 37 C.F.R. \$1.18(a), and for five (5) advanced copies of the issued patent and \$800.00 for deficiency in payment of filing fees.

The Commissioner is hereby authorized to charge any underpayment or credit any overpayment to our Deposit Account No. 20-0888. A copy of this transmittal letter is enclosed.

Also enclosed is a return postcard. Please date stamp and mail the postcard to acknowledge receipt of the above-mentioned correspondence.

Respectfully submitted,

Edward L. Pencoske Reg. No. 29,688

Thorp Reed & Armstrong, LLP

RECEIVED

OFFICE OF PETITIONS

One Oxford Centre

301 Grant Street, 14<sup>th</sup> Floor Pittsburgh, PA 15219-1425

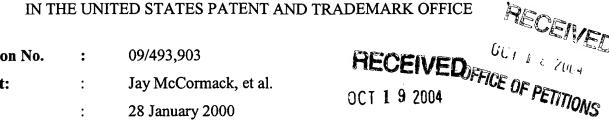
(412) 394-7789

Attorneys for Applicant

00566645.DOC

Date:

8 October 2004 `



lication No.

09/493,903

Applicant:

Jay McCormack, et al.

Filed:

28 January 2000

Titled:

PARAMETRIC SHAPE GRAMMER OF PERFONSER

**Art Unit** 

2671

Examiner

Enrique L. Santiago

10/15/2004 DALLEN

00000013 09493903

OCT 1 9 2004

Atty Docket No.

DB001053-000

800.00 OP 1345.00 OP

To:

Honorable Commissioner of Patents

P.O. Box 1450

Alexandria, VA 22313-1450

## NOTIFICATION OF ERROR IN PAYMENT OF FEES AS A SMALL ENTITY **UNDER 37 CFR § 1.28**

## Dear Sir:

A small entity assertion was erroneously made in the above captioned application. This assertion of small entity status and the payment of applicable fees as a small entity were made in good faith. However, it has now been discovered that small entity was asserted in error. The following is the itemization of the deficiency payment.

Type of the Fee Erroneously Paid As A Small Entity	Amount of the Fee Erroneously Paid As A Small Entity	Actual Fees To Be Paid	Deficiency Owed
Surcharge for late filing of original declaration or oath mailed on May 26, 2000	\$65	\$130	\$65
Extra claim fees mailed on June 16, 2003 for 3 extra total claims and 3 extra independent claims	\$153	\$318	\$165

Type of the Fee Erroneously Paid As A Small Entity	Amount of the Fee Erroneously Paid As A Small Entity	Actual Fees To Be Paid	Deficiency Owed
Two-month extension of reply fees mailed on April 22, 2004	\$210	\$430	\$220
Notice of appeal fees mailed on April 22, 2004	\$165	\$340	\$175
Fees for filing an appeal brief mailed on June 22, 2004	\$165	\$340	\$175

**Total Deficiency Owed** 

\$800.00

Attached is a check in the amount of \$800.00 for the Total Deficiency Owed. The Commissioner is authorized to charge any additional fees required by this paper or credit any overpayment to our Deposit Account No. 20-0888. A duplicated of this paper is attached.

Respectfully submitted,

Edward L. Pencoske

Reg. No. 29,688

Thorp Reed & Armstrong, LLP One Oxford Centre, 14<sup>th</sup> Floor

301 Grant Street

Pittsburgh, PA 15222

412-394-7789

Attorney for Applicant

Date: 8 October 2004